IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13041 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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SHANTILAL KALIDAS PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR AV PRAJAPATI for Petitioner

MR ANANT S DAVE for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 21/12/2000

ORAL JUDGEMENT

1. Heard Mr. Prajapati, learned counsel appearing on behalf of the petitioner and Mr. Anant Dave, learned Addl. CGSC appearing on behalf of the respondents. Rule. Mr. Anant Dave waives service of rule on behalf of respondents.

2. It is submitted by learned counsel for the petitioner that an international passport bearing No. C-414999 was issued to the petitioner on 22-3-1988. In the said passport petitioner's birth date was recorded as 1-6-1948. Said date of birth has been recorded in accordance with the birth date recorded in the school leaving certificate. The petitioner has recently obtained birth certificate from Talati-Cum-Mantri, i.e. Bhayali Gram Panchayat. According to the birth certificate issued by the local authority, the birth date of the petitioner is 1-6-1949. It is submitted that,

petitioner has applied for new passport and requested the respondent Regional Passport Officer to record the date of birth of the petitioner as 1-6-1949, in accordance with the certificate issued by the local authority. Respondent authority has declined to correct the same, hence this petition.

3. It is settled that, when there is conflict in the date of birth in the school leaving certificate and the certificate issued by the Registrar, Births & Deaths/ local authority, then the birth certificate issued by the local authority should be preferred. The respondent authority should have considered this. Mr. Anant Dave, learned Addl. CGSC however submitted that, if the petitioner submits all original documents, the respondent may consider the same and accordingly issue the passport to the petitioner. Having regard to the submissions made by learned counsel of both the parties, I am of the view that, the petitioner should produce all relevant documents regarding date of birth before the respondent authority and on receipt of the documents, the respondent authority shall consider the same in accordance with law. If the respondent is satisfied that the date of birth of the petitioner is 1-6-1949, the petitioner should be issued passport showing his date of birth as 1-6-1949. In the event of respondent Regional Passport Officer issuing passport, correcting the birth date of the petitioner, the petitioner shall pay Rs.1500-00 as costs to the respondent No.1 office, since no mistake or error can be attributed to respondents side.

4. With the aforesaid observations and directions, present petition is disposed of. Rule made absolute to the aforesaid extent. Direct service permitted.

Dt: 21-12-2000 (P.K. Sarkar, J)

/vgn.